

REMARKS

Upon entry 'of the present amendment, claims 1-4 will remain pending in the above-identified application and stand ready for further action on the merits.

Claims 5-8 have been cancelled in the present amendment based upon an earlier Restriction Requirement of the Examiner. The claims have also been requested based upon the Examiner's statement in paragraph "2." of the Office Action, indicating that "A complete reply to the final rejection must include cancellation of non-elected claims or other appropriate action...".

Applicants reserve the right to file a Divisional Application on cancelled claims 5-8.

Regarding the amendments made herein to claim 1, support for these amendments occur at page 6, lines 7-23, particularly lines 21-23, and at page 8, lines 3-8 and 18, as well as in the working examples (for mixtures of water and alcohol).

Claim Rejections Under 35 USC § 102/103

Claims 1-4 have been rejected under 35 USC § 102(b) or (e) as anticipated by or, in the alternative, under 35 USC § 103(a) as obvious over Otawa et al. (US 4,818,785) or Yamazaki et al. (US 6,183,866). Reconsideration and withdrawal of each of these

rejections are respectfully requested based upon the following considerations.

Otawa et al. teach:

- ♦ A fine particulate crosslinked amorphous copolymer selected from the group consisting of ethylene/ α -olefin copolymer and ethylene/ α -olefin/polyene copolymer having an average particle diameter of 0.2 to 50 μ m and containing hot toluene insolubles of 15% by weight or more (see claim 1),
- ♦ A polymer composition containing an amorphous ethylene/ α -olefin copolymer (A) and a resin (B) (see column 3, lines 28-38), and
- ♦ A process for preparing the polymer composition by melting and blending the ethylene/ α -olefin copolymer rubber particles and the resin (B) polyolefin by means of a kneading machine (see column 11, lines 1-12).

Otawa et al. does not teach or suggest the use of "polymer particles made of polymer obtained by polymerizing at least one monomer selected from the group consisting of styrene, methyl acrylate, methyl methacrylate, 2-ethylhexyl acrylate and 2-ethylhexyl methacrylate" as instantly claimed.

Yamazaki et al. teach:

- ♦ A fine particle comprising (i) a core layer of a crosslinked polymer and (ii) a shell layer (see claim 1), and
- ♦ Use of the fine particle for modification of polyolefin (see column 4, lines 63-67).

Yamazaki et al. reference discloses a method for adding the fine particles to polyolefin by mixing the particles and polyolefin, followed by melting and mixing by extruder. In the working Examples of Yamazaki et al., the fine particles are prepared using styrene, divinylbenzene and 2-ethylhexyl acrylate in methanol solvent. The USPTO points out that the methanol used in the polymerization remains in the resulting particles as a volatile component.

Yamazaki et al., however, do not teach or suggest use of "a volatile component selected from the group consisting of saturated hydrocarbons, ketones, aldehydes, ethers, mixtures thereof, water and mixtures of water and alcohol" in the preparation of the fine particles. Therefore, this reference does not teach or suggest the incorporation of fine polymer particles containing "a volatile component selected from the group consisting of saturated hydrocarbons, ketones, aldehydes, ethers, mixtures thereof, water and mixtures of water an alcohol" as instantly recited in claim 1.

Accordingly, based upon the above considerations, it is clear that the cited references of Ottawa et al. and Yamazaki et al. are incapable of either anticipating or rendering obvious Applicants' claimed invention. In this regard, the references do not teach each of the elements recited in the claimed invention, and furthermore provide no motivation which would allow one of ordinary

skill in the art to arrive at the instant invention as claimed. Accordingly, withdrawal of the outstanding rejection is appropriate at present.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of pending claims 1-4 are allowable at present.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

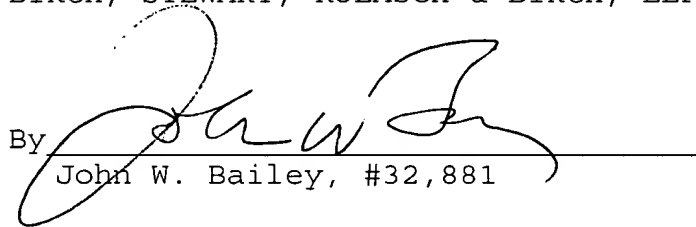
Appl. No. 09/689,592

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By

A handwritten signature in black ink, appearing to read "John W. Bailey", is written over a horizontal line.

John W. Bailey, #32,881

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